

REGULAR MEETING

December 14, 1998

The Regular Meeting of the Annapolis City Council was held on December 14, 1998 in the Council Chamber. County Executive Janet Owens rang the bell to denote the 7:30 p.m. start time for the meeting. Mayor Johnson called the meeting to order at 7:35 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Fox, Moyer
Alderman Carter arrived at 7:45 p.m.

Staff Present: City Attorney Goetzke, Planning and Zoning Director Arason,

County Executive Janet Owens spoke briefly.

Mayor Johnson and Police Captain Barbara Hopkins presented a Distinguished Service Citation to Mr. John Giovingo.

On behalf of the City, Mayor Johnson extended thanks to:

1. Eastport Yacht Club for the Lights Parade;
2. Homestead Gardens for decorating the Christmas tree in downtown Annapolis; and
3. Melville D. Bowers for his donation of property located near the Landfill.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Members from the Maritime Republic of Eastport reported on the "Tug-of-War" between the Maritime Republic of Eastport and Annapolis:

Josh Cohen, Deputy Premier
Jeffrey Holland, Minister of Propaganda
Marilyn Henderson, Minister of Glamour Trash and Other Things
Wayne Tolson, Annapolis Jaycees
John Petrosillo, Annapolis Jaycees
Margie Mackes, Annapolis Jaycees

2. Louise Beauregard Meyers
Christian Services U.S.A.
2 Maryland Avenue
Annapolis, MD 21401

Spoke regarding health care issues.

3. Douglas Lamborne
522 Third Street
Annapolis, MD 21403

Spoke regarding Back Creek issues.

4. Paul Lebow
Parkwood Civic Association
708 Springdale Avenue
Annapolis, MD 21403

Spoke regarding O-42-98, O-50-98 and R-21-98.

5. Daniel E. Diehl
710 Americana Drive Apt. 34
Annapolis, MD 21403

Spoke in opposition to the Back Creek legislation.

6. James Urban
915 Creek Drive
Annapolis, MD 21403

Spoke regarding harbor line issues.

7. Yvonne Urban
915 Creek Drive
Annapolis, MD 21403

Spoke regarding harbor line issues.

8. Robert Haux
660 Americana Drive, Apt. 16
Annapolis, MD 21403

Spoke regarding the Back Creek harbor line issues.

9. Daryl E. Roberts
509 Burnside Street
Annapolis, MD 21403

Spoke in support of O-39-98.

10. Steve Rogers
139 Eastern Avenue
Annapolis, MD 21403

Spoke regarding the Back Creek legislation.

11. Margaret Schmidt, President
Severn House Condominium Association
759-B Fairview Avenue
Annapolis, MD 21403

Spoke regarding the Back Creek issues.

12. Jane Toal
603 Creekview Avenue
Annapolis, MD 21403

Spoke regarding channel space for small sailboats and other Back Creek issues.

13. William H. Woodward
776 Bon Haven Drive
Annapolis, MD 21401

Spoke regarding the proposed harbor line extension.

14. Shelley Row, President
Eastport Civic Association
944 Creek Drive
Annapolis, MD 21403

Spoke regarding harbor line issues.

Mayor Johnson and Police Lieutenant Robert Beans recognized the following individuals:

Crime Prevention Award for Community Groups and Individual Citizens

Susan Bailey Block Coordinator Spa Cove Apartments
Edna J. Cuffie Block Coordinator College Creek Terrace
John L. Elliott Block Coordinator Parole
Ursula K. Schubert Block Captain Monroe Street

Hotspot Neighborhood Safety Team

Theresa Farrow Parole and Probation
Melane Brock Supervisor Parole and Probation
Karen Crawley-Buckholtz Department of Juvenile Justice
JoD Straub Supervisor Department of Juvenile Justice
Officer Joseph Ridley Annapolis Police Department
Michelle Lapidés Anne Arundel County States Attorney’s Office
Andra Tuffy U.S. Parole and Probation
Betty Ann Weekly Annapolis Housing Authority

Alderman Fox complimented the Annapolis Police Department on their handling of an incident involving a dog fight and the Department’s handling of traffic during a recent accident.

Alderman Gilmer moved to approve the Minutes of November 9, 1998 and November 23, 1998. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

CHARTER AMENDMENTS

CA-6-98 For the purpose of amending the Charter of the City of Annapolis to rename the Department of Parking and Transportation to the Department of Transportation; to reassign the duties and responsibilities of certain policies, procedures, rules and regulations related to the parking of motor vehicles.

Alderman Hammond moved to adopt CA-6-98 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on CA-6-98.

Alderman Hammond moved to amend CA-6-98 as follows:

Amendment No. 1:

On Page 2, line 4, strike “policies, procedures,”.

Seconded. DEFEATED on voice vote.

The main motion CARRIED on voice vote.

Alderman Sachs moved to adopt CA-6-98 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs,
McMillan, Carter, Fox, Moyer
CARRIED: 9 - 0

CA-8-98 For the purpose of amending the Charter of the City of Annapolis by eliminating the Department of Law and reassigning the City Attorney and City Clerk to the Mayor's office.

Alderman Sachs moved to adopt CA-8-98 on second reading. Seconded.

The Rules and City Government Committee reported favorably on CA-8-98.

The main motion CARRIED on voice vote.

Alderman Sachs moved to adopt CA-8-98 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs,
McMillan, Carter, Fox, Moyer
CARRIED: 9 - 0

ORDINANCES

O-39-98 For the purpose of allowing bed and breakfast as a permitted use subject to standards in the residential conservation overlay district; amending the definition of a bed and breakfast home; and all matters relating to said bed and breakfast uses.

Alderman Moyer moved to adopt O-39-98 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-39-98.

Alderman Hammond moved to amend O-39-98 as follows:

Amendment No. 1:

On Page 4, strike lines 14 and 15 in their entirety and substitute the following:

A. A bed and breakfast in a structure constructed or erected after _____ (date of adoption) on a vacant lot of record except where such use is established after the fifth anniversary of the structures' original occupancy permit in which case Section 21.69.045 of this title shall apply.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Tolliver moved to adopt O-39-98 as amended on third reading. Seconded. CARRIED on voice vote.

O-40-98 For the purpose of exempting certain nonprofit, community and/or neighborhood functions from certain fees under certain conditions; and all matters relating to said exemption.

There being no voiced objection, O-40-98 was referred to the Ad Hoc Advisory Committee on Events.

O-42-98 For the purpose of amending the configuration of the Annapolis harbor line outboard of Annapolis Landing Marina, 980 Awald Road, on Back Creek; and all matters relating to said harbor line.

Alderman Fox moved to withdraw O-42-98 on second reading. Seconded. CARRIED on voice vote.

- O-45-98** For the purpose of precluding unnecessary property tax increases by reducing subsidized use of city facilities and requiring instead, in most cases, that the user of such facilities pay fair, consistent, and equitable charges for the use of city facilities; to increase uniformity in the duration of city lease agreements by requiring that the term of certain leases coincide with the City fiscal year; and all matters relating to said facility use and leases.

Alderman McMillan moved to withdraw O-45-98 on second reading. Seconded. CARRIED on voice vote.

- O-50-98** For the purpose of amending the configuration of the Annapolis harbor line on Back Creek outboard of property owned by Port Annapolis Marina, Inc., located at 7074 Bembe Beach Road, and outboard of City property adjacent thereto (the location of the City's Back Creek Nature Park); and all matters relating to said harbor line.

Alderman Fox moved to adopt O-50-98 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-50-98.

Following discussion, Alderman Gilmer moved the previous question. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken on the main motion:

YEAS: Mayor Johnson, Aldermen Sachs, Fox

NAYS: Aldermen Hammond, Tolliver, Gilmer, McMillan, Carter, Moyer

DEFEATED: 6 - 3

- O-51-98** For the purpose of establishing that the Self Insurance Fund may be used to secure the liability of the City's Emergency Medical Services Director for the defense and payment of certain liability claims under certain conditions; and matters relating to said Self Insurance Fund.

Alderman Gilmer moved to adopt O-51-98 on second reading. Seconded.

The Finance Committee reported favorably on O-51-98.

The Rules and City Government Committee reported favorably on O-51-98.

The main motion CARRIED on voice vote.

Alderman Fox moved to adopt O-51-98 on third reading. Seconded. CARRIED on voice vote.

- O-52-98** For the purpose of changing the name of the Department of Parking and Transportation to the Department of Transportation; removing certain references to the Department of Public Transportation; transferring certain duties and responsibilities to the Police Department; and all matters relating to said Departments.

Alderman Hammond moved to adopt O-52-98 on second reading. Seconded.

The Economic Matters Committee reported favorably with amendments on O-52-98. The Public Safety Committee reported favorably on O-52-98.

The Rules and City Government Committee reported favorably with amendments on O-52-98.

Alderman Hammond moved to amend O-52-98 as follows:

Amendment No. 1:

On Page 2, line 41, following "All" strike "such policies and procedures,".

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Sachs moved to adopt O-52-98 as amended on third reading. Seconded. CARRIED on voice vote.

O-54-98 For the purpose of eliminating the Office of Law; transferring the City Attorney and City Clerk to the Office of the Mayor; reassigning certain duties and responsibilities; and all matters relating to said transfer of personnel.

Alderman Sachs moved to adopt O-54-98 on second reading. Seconded.

The Economic Matters Committee reported favorably with amendments on O-54-98. The Rules and City Government Committee reported favorably with amendments on O-54-98.

Alderman Fox moved to amend O-54-98 as follows:

Amendment No. 1:

On Page 3, line 21, add the following:

6. To assist the mayor, aldermen and city clerk in the preparation of legislation.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Sachs moved to adopt O-54-98 as amended on third reading. Seconded. CARRIED on voice vote.

O-60-98 For the purpose of authorizing the conveyance, by quit claim deed, of whatever rights, title and interest the City has in a certain parcel of land known as South Cherry Grove Stream Crossing in the City of Annapolis, to the Maryland Environmental Trust as grantee, with a reservation of certain easements to the City; and all matters relating to said quit claim deed.

Alderman Sachs moved to adopt O-60-98 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee

O-61-98 For the purpose of precluding unnecessary property tax increases by reducing subsidized use of city facilities and services and requiring instead, in most cases, that the user of such facilities and services pay fair, consistent, and equitable charges for them; to increase uniformity in the duration of city lease agreements by requiring that the term of certain leases coincide with the City fiscal year; and all matters relating to said facility, services and leases.

Alderman McMillan moved to adopt O-61-98 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee, Finance Committee and Maritime Advisory Board.

RESOLUTIONS

R-21-98 For the purpose of granting to Port Annapolis Marina, Inc. a revocable license to encroach into the setback and across the lateral line shared by Port Annapolis Marina, Inc. and the City of Annapolis on Back Creek at Bembe Beach Road; and all matters relating to said license.

Alderman Fox moved to withdraw R-21-98. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Finance Committee Recommendations for Action dated November 19, 1998.

Alderman Sachs moved to approved the Finance Committee Recommendations for Actions dated November 19, 1998. Seconded. CARRIED on voice vote.

2. Payment of Monthly Bills

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

3. Appointments

Alderman Sachs moved to approve the Mayor's appointments of the following individuals as set forth in Memoranda dated November 20, 1998 and December 3, 1998:

- Alcoholic Beverage Control Board Antonio A. Brown
- Planning Commission Eleanor M. Harris
- Police and Fire Retirement Plan Commission Edmund A. Bianchi
..... Joseph Semo
- Recreation Advisory Board Duane Pergerson
- Transportation Board Charles A. Brooks

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:45 p.m.

**Patricia L. Bembe, CMC/AEE
City Clerk**